

**UNITED STATES DISTRICT COURT  
for the  
Western District of New York**



United States of America

v.

BRANDON PRITCHETT

Date of Previous Judgment or

Last Sentencing Reduction 4/9/09

(Use Date of Last Order of the Court)

) Case No: 04-CR-6157

) USM

) No: 12446-055

) Mary Beth Covert, A.F.P.D.

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. §3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment or sentencing reduction issued*) of 84 months is reduced to 70 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 25

Amended Offense Level: 23

Criminal History Category: IV

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Previous Guideline Range: 84 to 105 months

Amended Guideline Range: 70 to 87 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (*explain*): Effective November 1, 2011, the defendant will have served 70 months and 8 days, therefore, the defendant is sentenced to time served and is eligible for immediate release.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated

4/9/09

shall remain in effect.

**IT IS SO ORDERED.**

Order Date: October 27, 2011

*Charles J. Siragusa*  
Judge's signature

Effective Date: November 1, 2011  
(if different from order date)

Hon. Charles J. Siragusa  
Printed name and title